

ASSEMBLY BILL

No. 359

Introduced by Assembly Member Huffman

February 14, 2011

An act to amend Sections 10752, 10753.2, 10753.5, and 10753.7 of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 359, as introduced, Huffman. Groundwater management plans.

(1) Existing law authorizes specified local agencies that provide water service to adopt and implement a groundwater management plan. Existing law requires a local agency that elects to develop a groundwater management plan to hold a hearing prior to adopting a resolution of intention to draft a plan and, after the plan is prepared, to hold a 2nd hearing to determine whether to adopt the plan. Existing law requires the local agency to publish a specified notice before each of these hearings.

This bill would require the local agency to provide a copy of a resolution of intention to the Department of Water Resources within 30 days of the date of adoption. The bill would require the local agency, upon written request, to provide a copy of the proposed groundwater management plan to an interested person. The bill would require the local agency to provide each of those interested persons with a specified notice at least 30 days prior to the commencement of the 2nd hearing to determine whether to adopt the plan. The bill would require the department to post on its Internet Web site the information the department possesses regarding the local agencies that have jurisdiction to develop groundwater management plans.

(2) Existing law requires a local agency seeking specified state funds for certain groundwater projects to include in a groundwater management plan various components, including components relating to the monitoring and management of groundwater levels within the groundwater basin.

This bill would specify that the groundwater projects to which these requirements apply include projects that are part of an integrated regional water management program or plan. The bill, commencing January 1, 2013, would additionally require a map identifying the recharge areas, as defined, for the groundwater basin to be included in a groundwater management plan for purposes of the state funding requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10752 of the Water Code is amended to
2 read:
3 10752. Unless the context otherwise requires, the following
4 definitions govern the construction of this part:
5 (a) “Groundwater” means all water beneath the surface of the
6 earth within the zone below the water table in which the soil is
7 completely saturated with water, but does not include water which
8 flows in known and definite channels.
9 (b) “Groundwater basin” means any basin *or subbasin* identified
10 in the department’s Bulletin No. 118, dated September 1975, and
11 any amendments to that bulletin, but does not include a basin in
12 which the average well yield, excluding domestic wells that supply
13 water to a single-unit dwelling, is less than 100 gallons per minute.
14 (c) “Groundwater extraction facility” means ~~any~~ a device or
15 method for the extraction of groundwater within a groundwater
16 basin.
17 (d) “Groundwater management plan” or “plan” means a
18 document that describes the activities intended to be included in
19 a groundwater management program.
20 (e) “Groundwater management program” or “program” means
21 a coordinated and ongoing activity undertaken for the benefit of
22 a groundwater basin, or a portion of a groundwater basin, pursuant
23 to a groundwater management plan adopted pursuant to this part.

1 (f) “Groundwater recharge” means the augmentation of
2 groundwater, by natural or artificial means, with surface water or
3 recycled water.

4 (g) “Local agency” means ~~any~~ a local public agency that
5 provides water service to all or a portion of its service area, and
6 includes a joint powers authority formed by local public agencies
7 that provide water service.

8 (h) “Recharge area” means the area that supplies water to an
9 aquifer in a groundwater basin and includes multiple wellhead
10 protection areas.

11 (i) “Watermaster” means a watermaster appointed by a court
12 or pursuant to other provisions of law.

13 (j) “Wellhead protection area” means the surface and subsurface
14 area surrounding a water well or well field that supplies a public
15 water system through which contaminants are reasonably likely
16 to migrate toward the water well or well field.

17 SEC. 2. Section 10753.2 of the Water Code is amended to read:

18 10753.2. (a) Prior to adopting a resolution of intention to draft
19 a groundwater management plan, a local agency shall hold a
20 hearing, after publication of notice pursuant to Section 6066 of
21 the Government Code, on whether or not to adopt a resolution of
22 intention to draft a groundwater management plan pursuant to this
23 part for the purposes of implementing the plan and establishing a
24 groundwater management program.

25 (b) At the conclusion of the hearing, the local agency may draft
26 a resolution of intention to adopt a groundwater management plan
27 pursuant to this part for the purposes of implementing the plan and
28 establishing a groundwater management program.

29 (c) *The local agency shall provide to the department a copy of*
30 *a resolution of intention adopted pursuant to this section within*
31 *30 days of the date of adoption. The local agency shall also provide*
32 *to the department contact information for the person in charge of*
33 *drafting the groundwater management plan.*

34 SEC. 3. Section 10753.5 of the Water Code is amended to read:

35 10753.5. (a) After a groundwater management plan is prepared,
36 the local agency shall hold a second hearing to determine whether
37 to adopt the plan. Notice of the hearing shall be given pursuant to
38 Section 6066 of the Government Code. The notice shall include a
39 summary of the plan and shall state that copies of the plan may be

1 obtained for the cost of reproduction at the office of the local
2 agency.

3 (b) At the second hearing, the local agency shall consider
4 protests to the adoption of the plan. At any time prior to the
5 conclusion of the second hearing, any landowner within the local
6 agency may file a written protest or withdraw a protest previously
7 filed.

8 (c) (1) *Upon receipt of a written request prior to the*
9 *commencement of the second hearing, the local agency shall*
10 *provide an interested person with a copy of the proposed*
11 *groundwater management plan and maps identifying recharge*
12 *areas that are prepared pursuant to this part.*

13 (2) *At least 30 days prior to the commencement of the second*
14 *hearing, the local agency shall provide notice of the date, time,*
15 *and place of the second hearing, either by mail or electronically,*
16 *to each interested person who requests information pursuant to*
17 *paragraph (1) prior to that date.*

18 (d) *The department shall post on its Internet Web site, consistent*
19 *with Section 10930, the information the department possesses*
20 *regarding the local agencies that have jurisdiction to develop*
21 *groundwater management plans and maps pursuant to this part,*
22 *including information it has collected pursuant to Sections 10753.2*
23 *and 10928.*

24 SEC. 4. Section 10753.7 of the Water Code is amended to read:

25 10753.7. (a) For the purposes of qualifying as a groundwater
26 management plan under this section, a plan shall contain the
27 components that are set forth in this section. In addition to the
28 requirements of a specific funding program, ~~any~~ a local agency
29 seeking state funds administered by the department for ~~the~~
30 ~~construction of~~ groundwater projects or groundwater quality
31 projects, *including projects that are part of an integrated regional*
32 *water management program or plan, and excluding programs that*
33 *are funded under Part 2.78 (commencing with Section 10795),*
34 *shall do all of the following:*

35 (1) Prepare and implement a groundwater management plan
36 that includes basin management objectives for the groundwater
37 basin that is subject to the plan. The plan shall include components
38 relating to the monitoring and management of groundwater levels
39 within the groundwater basin, groundwater quality degradation,
40 inelastic land surface subsidence, ~~and~~ changes in surface flow and

1 surface water quality that directly affect groundwater levels or
2 quality or are caused by groundwater pumping in the *basin, and*
3 *a description of how recharge areas identified in the plan*
4 *substantially contribute to the replenishment of the groundwater*
5 *basin.*

6 (2) For ~~the purposes of carrying out~~ *implementing* paragraph
7 (1), the local agency shall prepare a plan to involve other agencies
8 that enables the local agency to work cooperatively with other
9 public entities whose service area or boundary overlies the
10 groundwater basin.

11 (3) For ~~the purposes of carrying out~~ *implementing* paragraph
12 (1), the local agency shall prepare a map that details the area of
13 the groundwater basin, as defined in the department's Bulletin No.
14 118, and the area of the local agency, that will be subject to the
15 plan, as well as the boundaries of other local agencies that overlie
16 the basin in which the agency is developing a groundwater
17 management plan.

18 (4) (A) *Commencing January 1, 2013, for purposes of*
19 *implementing paragraph (1), the groundwater management plan*
20 *shall include a map identifying the recharge areas for the*
21 *groundwater basin.*

22 (B) *The local agency shall provide the map required pursuant*
23 *to subparagraph (A) to the appropriate local planning agencies*
24 *after adoption of the groundwater management plan.*

25 (C) *For purposes of this paragraph, "map identifying the*
26 *recharge areas" means a map that identifies, or maps that identify,*
27 *the current recharge areas that substantially contribute to the*
28 *replenishment of the groundwater basin.*

29 ~~(4)~~

30 (5) The local agency shall adopt monitoring protocols that are
31 designed to detect changes in groundwater levels, groundwater
32 quality, inelastic surface subsidence for basins for which
33 subsidence has been identified as a potential problem, and flow
34 and quality of surface water that directly affect groundwater levels
35 or quality or are caused by groundwater pumping in the basin. The
36 monitoring protocols shall be designed to generate information
37 that promotes efficient and effective groundwater management.

38 ~~(5)~~

39 (6) Local agencies that are located in areas outside the
40 groundwater basins delineated on the latest edition of the

1 department's groundwater basin and subbasin map shall prepare
2 groundwater management plans incorporating the components in
3 this subdivision, and shall use geologic and hydrologic principles
4 appropriate to those areas.

5 (b) (1) (A) A local agency may receive state funds administered
6 by the department for ~~the construction of~~ groundwater projects or
7 for other projects that directly affect groundwater levels or quality
8 if it prepares and implements, participates in, or consents to be
9 subject to, a groundwater management plan, a basinwide
10 management plan, or other integrated regional water management
11 program or plan that meets, or is in the process of meeting, the
12 requirements of subdivision (a). A local agency with an existing
13 groundwater management plan that meets the requirements of
14 subdivision (a), or a local agency that completes an ~~upgrade~~ *update*
15 of its plan to meet the requirements of subdivision (a) within one
16 year of applying for funds, shall be given priority consideration
17 for state funds administered by the department over local agencies
18 that are in the process of developing a groundwater management
19 plan. The department shall withhold funds from the project until
20 the ~~upgrade~~ *update* of the groundwater management plan is
21 complete.

22 (B) Notwithstanding subparagraph (A), a local agency that
23 manages groundwater under any other provision of existing law
24 that meets the requirements of subdivision (a), or that completes
25 an ~~upgrade~~ *update* of its plan to meet the requirements of
26 subdivision (a) within one year of applying for funding, shall be
27 eligible for funding administered by the department. The
28 department shall withhold funds from a project until the ~~upgrade~~
29 *update* of the groundwater management plan is complete.

30 (C) Notwithstanding subparagraph (A), a local agency that
31 conforms to the requirements of an adjudication of water rights in
32 the groundwater basin is in compliance with subdivision (a). For
33 purposes of this ~~section~~, *subparagraph*, an "adjudication" includes
34 an adjudication under Section 2101, an administrative adjudication,
35 and an adjudication in state or federal court.

36 (D) Subparagraphs (A) and (B) do not apply to proposals for
37 funding under Part 2.78 (commencing with Section 10795), or to
38 funds authorized or appropriated prior to September 1, 2002.

39 (E) *A local agency may request state funds to map groundwater*
40 *recharge areas pursuant to paragraph (4) of subdivision (a) to the*

1 *extent that the request for state funds is consistent with eligibility*
2 *requirements that are applicable to the use of the requested funds.*
3 (2) Upon the adoption of a groundwater management plan in
4 accordance with this part, the local agency shall submit a copy of
5 the plan to the department, in an electronic format, if practicable,
6 approved by the department. The department shall make available
7 to the public copies of the plan received pursuant to this part.

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